

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GRACE NAVARRO, et al.,

Plaintiffs,

v.

WALMART, INC.,

Defendant.

Case No. 1:24-cv-00288-JLT-SAB

ORDER GRANTING MOTION FOR LEAVE
TO AMEND AND VACATING HEARING
ON MOTION TO DISMISS

(ECF No. 40)

Before the Court is Plaintiffs' motion for leave to file a first amended consolidated class action complaint. Defendant Walmart, Inc. has filed a non-opposition to the motion. (ECF No. 41.) Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend shall be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2). "In the absence of . . . undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should . . . be 'freely given.'" Foman v. Davis, 371 U.S. 178, 182 (1962), quoting Fed. R. Civ. P. 15(a). In other words, "[a]bsent prejudice, or a strong showing of any of the remaining Foman factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend." Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003).

Here, the Court finds that granting leave to amend implicates none of the Forman factors. Indeed, Defendant has filed a non-opposition, which demonstrates that it will not be prejudiced

1 by the granting of the motion.

2 Accordingly, it is HEREBY ORDERED that:

- 3 1. Plaintiffs' motion for leave to file a first amended consolidated class action
4 complaint (ECF No. 40) is GRANTED;
- 5 2. Plaintiffs shall file a first amended consolidated class action complaint within **five**
6 **(5) days** of the entry of this order;
- 7 3. The March 26, 2025 hearing on Defendant's motion to dismiss is VACATED;
8 and
- 9 4. Defendant shall have **five (5) days** from the filing of Plaintiffs' first amended
10 consolidated class action complaint to withdraw the pending motion to dismiss.

11 IT IS SO ORDERED.

12 Dated: **March 11, 2025**



13 STANLEY A. BOONE
14 United States Magistrate Judge
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